THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13230 of 1998

Dated:30.08.2006

Between:

V.Radhika.

…Petitioners

and

The District Collector and another.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.13230 of 1998

ORDER:

The petitioner claims to be the owner of the land admeasuring Acs.3.20 cents in Survey Nos.463 and 476 of Dugyala Village, P.A.Pally Mandal, Nalgonda District. The second respondent in purported compliance with the instructions issued by the first respondent seized the bore-well meter board of the petitioner on 30.04.1998, aggrieved by which, the present Writ Petition is filed.

There is no denial that the second respondent seized the bore-well of the petitioner in obedience to the directions issued by the District Collector vide circular bearing No.B5/13069, dated 07.04.1998. By the said circular the first respondent directed the Mandal Revenue Officers to stop irregular drilling of bore-wells near public bore-wells intended for supply of drinking water and initiate criminal action against the offenders under Section 133 of the Code of Criminal Procedure, 1973. The circular in no manner directs the Mandal Revenue Officer to seize the bore-well equipments without issuing notice to the owner of the land or bore-well. No notice was given, and therefore, the impugned order is unsustainable. It is also brought to the notice of this Court that in terms of the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002 (for short 'the Act'), whenever a bore-well exists or drilled near a public drinking water

source, the competent authority has to follow the procedure before prohibiting the person from using the bore-well or seizing the bore-well. Therefore, liberty is reserved to the respondents to take action in accordance with the Act.

The Writ Petition, subject to the above observations, is accordingly allowed. No costs.

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(V.V.S.RAO, J)

30.08.2006
vs